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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,713	02/07/2002	Jesus Fernandez-Grandizo Martinez	KOB-3	1949
26689	7590	02/24/2004	EXAMINER	
WILDMAN, HARROLD, ALLEN & DIXON 225 WEST WACKER DRIVE CHICAGO, IL 60606			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,713

Applicant(s)

FERNANDEZ-GRANDIZO
MARTINEZ, JESUS

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/3/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 42(page 3, line 19).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "116" has been used to designate both latch arms(page 4, line 13) and pair of substantially parallel arm portions(page 5, line 5). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 3, line 19, 'a second' should be replaced with 'the second'.

Page 5, line 3, 'A' should be replaced with 'The'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 1744

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-11 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 2, lines 2-3, it is unclear as to what is meant by 'from a first/second side' of the cleaning element; if the element is defined as the brush member and the squeegee member how can the brush/squeegee member project from themselves?

Claims 3-4, line 2, it is unclear as to what is meant by 'an entire length of the cleaning element'; if the element is defined as the brush member and the squeegee member how can the brush/squeegee member extend along itself?

Claim 5, line 2, it is unclear as to what is meant by 'from the cleaning element in substantially opposite directions'; if the element is defined as the brush member and the squeegee member how can the brush/squeegee member project from itself?

Claim 7, lines 2 and 3, 'member' should be replaced with 'element'.

Claim 8, line 2, 'the body' lacks proper antecedent basis;

Lines 2 and 5, 'member' should be replaced with 'element';

Line 2, it is unclear as to whether the 'plurality of latch members' are in addition to that of claim 7, line 3 or inclusive thereof.

Claim 9, line 1, it is believed 'detent member' should be replaced with 'plurality of cantilevered detent members'.

Claim 10 is dependent on a claim that numerically appears AFTER it;

Art Unit: 1744

Line 2, it is believed 'detent member' should be replaced with 'plurality of cantilevered detent members'.

Claim 11 is dependent on a claim that numerically appears AFTER it

Line 1, it is believed 'detent member' should be replaced with 'plurality of cantilevered detent members'.

Claim 13 is dependent from a claim that numerically appears AFTER it;

Claim 14 is dependent from itself;

Line 2, it is unclear as to what is meant by 'an entire length of the cleaning element'; if the element is defined as the brush member and the squeegee member how can the brush member extend along itself?

Claim 15, line 2, it is unclear as to what is meant by 'an entire length of the cleaning element'; if the element is defined as the brush member and the squeegee member how can the squeegee member extend along itself?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 12-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith.
Smith discloses a brush member (fig. 8, #56).

Art Unit: 1744

Smith discloses a squeegee member coupled to the brush member (fig. 8, #26,32,44,34,60).

Smith discloses one of the brush member and the squeegee positionable for engagement with a working surface (fig. 8, #56 (and dotted lines), #26).

Smith discloses the element for removable securement to a nozzle (col. 1, lines 39-53).

With respect to claim 13, Smith discloses a plurality of latch members (col. 3, lines 23-27).

With respect to claim 14, Smith discloses the brush member extends along substantially the entire length of the cleaning element (fig. 7, #56).

With respect to claim 15, Smith discloses the squeegee member extends along substantially the entire length of the cleaning element (fig. 7, #26).

With respect to claim 16, Smith discloses the squeegee member projecting in a direction 'substantially opposite' the brush member (fig. 8, #26, 56 in phantom).

Allowable Subject Matter

8. Claim 1 is allowed.

9. Claims 2-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a multiple-function vacuum cleaner accessory having a nozzle defining an opening and a cleaning element including a brush member and a squeegee member removable

Art Unit: 1744

secured to the nozzle HOWEVER fails to disclose or fairly suggest the element removable secured to the nozzle such that one of the brush member and squeegee member extends out of the opening and the other of the brush member and squeegee member extend within the nozzle.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wood et al. discloses a nozzle with a removable cleaning tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

02/13/2004



Theresa T. Snider
Primary Examiner
Art Unit 1744